

# HOWNIKAN

PEOPLE OF THE FIRE



Vol. 10

Citizen Band Potawatomi Tribe

No. 3

## Secretary unopposed in tribal election; three vie for vice chairman's spot

Incumbent tribal secretary-treasurer Bob Davis drew no opponents in the three day filing period for tribal office, while three tribal members will vie for the spot of vice chairman in the June election.

Dick Whitten, 45, was the first candidate to file for the tribe's second highest elected position. Whitten attended Shawnee High School, Oklahoma Baptist University and Oklahoma State University. He currently owns and operates his own electronic telecommunications business in Oklahoma City. Prior to that he worked at Southwestern Bell Telephone Company for 19 years.

Whitten, who is married and has three children, told the *HowNiKan* he decided to run for tribal office "because I see a lot of exciting challenges to be faced in existing situations and because I think I have something to offer to the goal of improvement of the Potawatomi 'community.'"

Former state senator Mike Combs also filed for the vice chairman's slot, saying his "contacts in state and federal government could be beneficial to the tribe." Combs, a former chairman of the Oklahoma Senate Finance Committee, was defeated in his third bid for re-election in 1986. Prior to that election Combs had been convicted of extortion by a federal jury after he was charged with accepting a \$2,000 payoff from an admitted drug dealer. That conviction was later overturned by a Kansas judge after Combs successfully petitioned for a rehearing of his case outside the state.

Jim Young, 37, of Oklahoma City, is the third candidate in the vice chairman's race. Young attended East Central College in Ada, Oklahoma and is vice president of Petroleum Management Systems. He is also president of the Southern Optimists Club of Oklahoma City.



*The candidates, from left: Dick Whitten files his candidacy with tribal notary Carolyn Givens; Jim Young; Mike Combs*



### HowNiKan takes top honors

The official newspaper of the Citizen Band Potawatomi Tribe, the *HowNiKan*, received four awards last month at the national Native American Press Association convention held in Denver, Colorado.

Competing against dozens of weekly, monthly and quarterly Native American publications from North America and Canada, the *HowNiKan* placed second in the editorial competition, third in typography and design, third in best news series and third in overall general excellence.

The competition was judged by the Colorado Press Association.

Pat Barrett, former editor of the *Sanibel Islander* (Florida), has been manager of the official tribal publication since 1983.

*You must request a ballot by June 5 to participate by mail in the 1988 tribal election*

### Request for Ballot Potawatomi Election 1988

In order to comply with the 1988 election ordinance, please fill out this form and return to: Potawatomi Election Committee, P.O. Box 310, Tecumseh, Oklahoma 74873.

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Under penalty of perjury, I declare this to be my legal signature and Potawatomi Tribal Roll Number:

Signature: \_\_\_\_\_ Roll #: \_\_\_\_\_



## Letter from the chairman

*(Msen A Ken Eh  
Na Ka Nit)*

**Bourzho Necon** (Hello my friends),

In these last five years the Business Committee and the *HowNiKan* have said a great deal about the subject of "sovereignty" and the Potawatomi Tribe. Last weekend at the San Jose Regional Council, a young man approached me and asked why we (as Citizen Potawatomi) should obey any of the laws of the United States, "since we are separate from it." Nothing could be farther from the case. Sovereign does not mean separate! It means the U.S. Constitution and the laws of the U.S. Congress have given us a special status equal in most cases to the sovereign states. We are most definitely a part of the United States. In fact, we have a very unique right to claim that privilege as the first of our people to take, as a tribe, citizenship in the United States. That is why we are known as the "Citizen Band."

In an even greater sense, our pride in being a constitutionally recognized part of this great country has been shown by those Potawatomi who fought and died for it in war or served to protect it in peace. These are the men and women of whom we are most proud. The Indian way of honoring our warriors is still evident in our traditional celebrations: all powwows are begun by the parading of the flag and veterans are honored in special songs and dances. The gourd clans display their military insignia as a part of their dance regalia.

Potawatomi are Americans and damn proud of it. When called to defend this country, our people do so with the special valor that comes from a heritage of defending their homelands for hundreds of years. If any of you get the chance to honor a

Potawatomi veteran, do so with the greatest respect. Many of our people lost their lives or suffered greatly in the wars of the United States. In San Jose I saw Matt Veitenheimer, a veteran of two wars, WW II and Korea, who won four Silver Stars for bravery. Our own honorary Chief, Ben Rhodd, was a prisoner of war in Germany, and won the Bronze Star in Korea. My Aunt Kathleen served in the WACs in New Guinea while seven of my uncles — Kenneth,

Vietnam. The 45th Infantry Division, activated in 1940, had a very large number of Potawatomi soldiers in WW II. Companies "C" and "T" of the 180th Infantry from Bacon College were all Indian, as were units from Chiloco.

The Potawatomi tribal complex was recently honored to serve as the meeting place of the American Indian Vietnam Veterans Association national convention.

In honor of all the Citizen Band



Raymond, Gerald, Virgil, Jim, Doc and Bill — fought in the South Pacific in both the Army and the Navy. Four of my first cousins served in

Potawatomi who served in the armed forces of our country, we are creating a special part of the museum archives for the "Military

History of the Citizen Band Potawatomi." Please send in a family history on those who served in the military — where, when, in what branch, decorations or citations, and whether living or deceased. Special honors will be given in a memorial statue for those who lost their lives in service of the United States. Please send your information to:

Potawatomi Tribal Museum  
Attn: B.J. Rowe, Curator  
Rt. 5, Box 151  
Shawnee, Oklahoma 74801

We will publish the document one year from today, so please send in your military history as soon as possible.

Megwetch,

*John Bant*

## Handicapped resource guide available

Governmental, university affiliated and voluntary programs with expertise in developmental handicaps are listed in a resource guide published with support from the Health Resources and Services Administration.

The listings include information on 53 university affiliated programs, more than 100 special projects funded by HRSA's maternal and child health program, 13 mental retardation research centers and state agencies or councils for mental retardation and child welfare.

The 258-page "1987-88 Resource Guide to Organizations Concerned with Developmental Handicaps" is available from the National Maternal and Child Health Clearinghouse, 38th and R Streets, NW, Washington D.C. 20057. Telephone (202)625-8410

## Firelake Golf Course tournaments scheduled

### April

1. Bethel Faculty
10. Men's Golf Association
16. Oklahoma Dep of Transportation
23. First Baptist Church
24. Albert Equipment
30. Simon Mitchell

### May

1. Post Office
5. Oklahoma Natural Gas
7. Bethany Men's Golf Association
8. Men's Golf Association

### June

14. Choctaw First Baptist Church
16. Shawnee Fire Department
21. Ken McGee
22. Northwest Oklahoma City
28. Tecumseh Alumni
4. Orgononte Knife Corporation
11. A T & T
12. Men's Golf Association
18. First Baptist Church
19. Indian Scramble
- 25 & 26 Potawatomi Inter-Tribal

### July

28. Walt Thomas
30. Oklahoma City Firefighters
2. Bruce Wyckoff
9. Scriviner Corp.
10. Men's Golf Association
16. FAA Golf Club
- 30 & 31 Indian Tournament
- 6 & 7 Firelake Classic
23. Walter Thomas
27. Regional Tournament

### September

10. Scriviner Corp.
17. A T & T
24. Mike Beard

### October

8. Haskell Alumni

### November

12. Tinker Air Force Base

# FOR THE RECORD . . .

## Business Committee Meeting - Feb. 4, 1988

**Present:** Chairman John Barrett, Secretary Bob Davis, Committeemen Francis Levier and Hilton Melot, Operations Manager Bob Dunning.

Meeting called to order by Chairman Barrett at 1 p.m.

Francis Levier moved to waive the reading of the previous minutes; second by Bob Davis. Motion passed 4-0.

After discussion, John Barrett moved to lease a fleet of 50 gasoline powered golf carts for Fire Lake and to sell the existing fleet of carts for \$15,000 (to be used as a reserve for replacement or buy-out after lease expires). Motion seconded by Bob Davis; passed 4-0.

Francis Levier moved to adopt Potawatomi Ordinance 88-2-4 as part of the Potawatomi Criminal Code, making it a misdemeanor to disseminate or publish anonymous or false campaign literature. Hilton Melot seconded; passed 4-0.

Motion made by Francis Levier to adopt Potawatomi Resolution #88-50 requesting funding under P.L. 93-638 for the tribe to contract for a Minerals Study Survey. The survey is to determine oil and gas reserves on tribal property. Seconded by Hilton Melot; passed 4-0.

Meeting adjourned at 2 p.m.

Business Committee agreed to waive per diems for this meeting.

## Business Committee Meeting - February 25, 1988

**Present:** Chairman John Barrett, Secretary Bob F. Davis, Committeemen Francis Levier and Hilton Melot, Tribal Rolls Director Ava DeLeon, Recording Secretary Pat Sulcer, Community Health Director Ken Cadaret, Prosthetics Foundation representatives Sherry Gobel and Joyce Abel, Operations Manager Bob Dunning, Economic Development Director Bob Shapiro, Accounting Director Carolyn Givens, CPA Jim Denton.

Chairman Barrett called the meeting to order at 6:45 p.m.

Ken Cadaret led a discussion on the proposed tribal pharmacy and the increased demand for health aides assistance from tribal members. Current demand for health aides assistance is running about \$6,000 a month. Bridges, glasses and hearing aids are the most commonly requested prosthetics, with bridges ranking number one. The Business Committee is exploring means of raising the \$18,000 necessary to implement the pharmacy and will report back to the foundation.

The Business Committee interviewed one of four applicants for the manager/golf pro position at Fire Lake Golf Course.

Jim Denton, representative of the CPA firm hired by the tribe, presented the Business Committee with a draft annual audit (submitted three months earlier this year than last). The tribe's accounting management system has improved to the extent that Denton feels the tribe should submit this audit to the Governmental Financial Officer's Association to see if the tribe qualifies for a certificate of merit. The only other tribe in the state of Oklahoma that has qualified is the Creek Nation. According to Denton, the tribe currently has \$10 million in assets and "virtually nil" liability level. The final audit is expected to be completed by the end of March.

Francis Levier presented a mock-up of a design for the tribal vehicle license plates. Levier moved to approve the design as submitted with additional detail on the seal to show the tribe's name. Hilton Melot seconded; passed 4-0.

Due to the increased applications for scholarship and health aides assistance, the Business Committee instructed Dr. Levier to draw-down the necessary interest funds as soon as possible.

Mr. and Mrs. Orval Kirk gave a presentation to the Business Committee regarding the 1988 pow wow. The Kirk's have agreed to organize and manage this year's pow wow for the tribe. The tribe will furnish the necessary up-front items. A tribal representative will be handling the collected monies and accounting. Bob Davis moved to allocate \$15,000 for the 1988 Potawatomi Inter-Tribal Pow Wow. Hilton Melot seconded; passed 4-0.

Bob Davis moved to approve the October 18, 1987 minutes with one correction. Francis Levier seconded; passed 4-0.

Hilton Melot moved to approve the January 28, 1988 Business Committee minutes with clarifications. John Barrett seconded; passed 4-0.

Bob Davis moved to approve the February 4, 1988 Business Committee minutes with one correction. John Barrett seconded; passed 4-0.

After discussion and review, Francis Levier moved to approve Potawatomi Resolution #88-51 accepting seven applicants for tribal enrollment. John Barrett seconded; passed 4-0.

Francis Levier moved to approve Potawatomi Resolution #88-52 authorizing Michael Minnis to employ specialized attorneys when necessary for tribal representation. Bob Davis seconded; passed 4-0.

Francis Levier moved to approve Potawatomi Resolution #88-53 modifying the tribal vehicle ordinance to omit the word "Oklahoma" from the tribal vehicle license plates. Hilton Melot seconded; passed 4-0.

Bob Davis moved to approve Potawatomi Resolution #88-54 amending the tribal criminal code raising the penalty for violations to \$1,000 and one year in prison. Hilton Melot seconded; passed 4-0.

At the request of the Election Committee Francis Levier moved to approve Potawatomi Resolution #88-55 amending the 1988 Election Ordinance to remove conflicting language and to allow the Election Committee to pick up and process absentee ballots at 8 a.m. and 10 a.m. on election day. John Barrett seconded; passed 4-0.

After discussion of problems at the tribal weekend swap meet Hilton Melot moved to adopt guidelines for swap meet management and law enforcement officials. Bob Davis seconded; passed 4-0.

John Barrett moved that tribal programs be assessed a fee to generate \$7,700 to purchase an auxiliary power unit for the tribal computer network. Hilton Melot seconded; passed 4-0.

Chairman Barrett and Secretary Davis gave a report on their recent trip to Washington, D.C. to review the progress of the proposed constitutional amendment that would base tribal enrollment on a descendency criteria. According to their report, the BIA is using a 1935 opinion from the Solicitor to justify rejecting the proposed amendment. According to Chairman Barrett, "It appears the BIA's policy is not to expand the basis on which tribe's base their enrollment - put simply, they don't want any more Indians." Business Committee consensus was to take the necessary steps to appeal Interior's decision.

Business Committee recessed at 11:30 p.m.

Reconvened at 11:55 p.m.

After discussion the Business Committee agreed to authorize the tribal attorney to file a letter of protest with the Denver office of the Inspector General on the way the I.G.'s investigators have conducted their present investigation. They have yet to meet with the Business Committee or to clarify what allegations were being investigated. Tribal attorney Mike Minnis was also authorized to send a written request to the Inspector General requesting an investigation into the operation of the tribe's bingo hall by Enterprise Management Consultants.

Chairman Barrett read a draft letter to the Department of Justice opposing their draft recommendations on the Indian Civil Rights Act. Business Committee consensus was that the letter be sent.

Business Committee went into executive session at 12:15 a.m. to discuss litigation and economic development.

Meeting adjourned at 12:40 a.m.

## CITIZEN BAND POTAWATOMI INDIAN TRIBE

### March 5, 1988 - Business Committee Meeting

**Present:** Chairman John Barrett, Secretary Bob Davis, Committeemen Francis Levier and Hilton Melot.

Chairman Barrett Called the meeting to order at 10:30 a.m.

Motion made by Bob Davis and seconded by Francis Levier to waive the reading of the previous minutes. Motion passed 4-0.

Motion made by John Barrett to interview candidates for the Firelake golf pro and manager position on March 9, 1988. Motion seconded by Francis Levier; passed 4-0.

Hilton Melot moved to approve Potawatomi Resolution #88-56 approving a lease-purchase of a fleet of 50 gas-powered golf carts for Firelake. Cart maintenance is included in the lease package. Motion seconded by Bob Davis; passed 4-0.

Meeting adjourned at 11:15 a.m.

## CITIZEN BAND POTAWATOMI TRIBE

### Business Committee Meeting - March 9, 1988

**Present:** Chairman John Barrett, Secretary Bob Davis, Committeemen Hilton Melot and Francis Levier, Accounting Director Carolyn Givens, Recording Secretary Pat Sulcer-Barrett.

Chairman Barrett called the meeting to order at 6:45 p.m.

After discussion Bob Davis moved to establish a \$100 fee for copies of the Tribal Codes and Court Procedures manual. The fee will go into the Tribal Court account. Francis Levier seconded; passed 4-0.

Bob Davis moved to approve the minutes of the Feb. 25 Business Committee meeting as submitted. Hilton Melot seconded; passed 4-0.

Bob Davis moved to approve the minutes of the March 5 Committee meeting as submitted. Francis Levier seconded; passed 4-0.

Hilton Melot moved to approve Potawatomi Resolution #88-57 authorizing a drawdown of interest on set-aside monies for the scholarship and prosthetics programs. The money will be invested in money market accounts and FDIC insured. Ms. Givens will check into short term annuity rates due to current low investment-interest rates. Bob Davis seconded;

*Continued, page 12*



## OPINION

# Who determines tribal membership?

## The BIA...

*Assistant Solicitor Scott Keep issued the following memorandum on the Citizen Band's request to base its membership on descendancy. For an analysis of the opinion's validity see the sidebar story.*

To: Chief, Division of Tribal Government Services

From: Assistant Solicitor, Branch of Tribal Government and Alaska

Subject: Nature and extent of the Secretary's authority to disapprove amendments to the membership provisions of the Constitution of the Citizen Band of Potawatomi Indians.

This is in response to your request for our advice on the nature and extent of the Secretary's authority to disapprove or withhold his approval of a proposed amendment of the membership provisions of the Constitution of the Citizen Band of Potawatomi Indians. This will confirm in more detail the general principles which I advised you of at our meeting on February 12, 1988, with tribal representatives.

There are two steps to our analysis. The first is the nature of tribal membership and the scope of a tribe's authority to determine its own membership. The second is the scope of the Secretary's authority generally to disapprove or withhold his approval of a tribal constitution or constitutional amendment.

The first step and starting point for our analysis is the well-established general principle that membership in an Indian tribe is to be determined by the tribe absent Congressional action.<sup>1</sup> While I accept this general principle, it is wrong to assume based on this principle that a tribe has unlimited authority to determine its own membership. It is equally well-established that membership in an Indian tribe is a bilateral, political relationship. Indeed, it is because membership in an Indian tribe is a bilateral, political relationship that the courts have deferred to the tribes in determining membership in the absence of Congressional action. The political relationship, therefore, provides an inherent limitation on the power of a tribe to determine its membership.

Following the passage of the Indian Reorganization Act of 1934 (IRA), the Department was confronted with a number of fundamental issues relating to the nature and extent of the self-governing powers of tribes. The resolution of these basic issues has produced a valuable collection of Solicitor's Opinions and Memoranda and Circulars from the Commissioner of Indian Affairs.

In a lengthy and detailed opinion analyzing the powers vested in Indian tribes by "existing law" as used in Section 16 of the IRA, Solicitor Margold reviewed the law surrounding a tribes powers to determine its own membership and concluded:

"It is of course recognized throughout the cases, that tribal membership is a bilateral relation, depending for its existence not only upon the action of the tribe but also upon the action of the individual concerned."

- Solicitor's Opinion, 55 I.D. 14 (1934), 1 Op. Sol. on Indian Affairs 445, 459 (U.S.D.I. 1979).

The opinion was approved by Assistant Secretary Chapman.

In Circular No. 3123, dated November 18, 1935, the Commissioner of Indian Affairs instructed those involved with implementing the IRA on the subject of future membership. After quoting the definition of "Indian" in Section 19 of the IRA, Commissioner Collier concluded:

"The above language shows on the part of Congress a definite policy to limit the application of Indian benefits, under the Indian Reorganization Act, to those who are Indians by virtue of actual tribal affiliation or by virtue of possessing one-half degree or more Indian blood. In line with this statutory declaration, it is our opinion, and will be our policy, in connection with the approval of constitutions and by-laws of tribes, to urge and insist that any constitutional provision conferring automatic tribal membership upon children hereafter born, should limit such membership to persons who reasonably can be expected to participate in tribal relations and affairs...

It is important that the Indians not only shall understand this policy but shall appreciate its importance as it applies to their own welfare through preventing the admission to tribal membership of a large number of applicants of small degree of Indian blood."

Commissioner Collier's instructions were expressly approved by Acting Secretary of the Interior West on December 9, 1935. In the portion of the circular which I have omitted since the quotation is already lengthy, the Commissioner describes ways tribes might frame the membership requirements in their constitution in order to limit membership to those who could reasonably be expected to participate. Those requirements include residency and blood degree. If a tribe requires that a person be born while his parents reside on the tribe's reservation in order to be eligible for automatic

*Continued, next page*

## Tribal members...

By Patricia Barrett

If there's one thing you can be sure of where the Bureau of Indian Affairs is concerned it's that they never, NEVER give up without a fight!

In recent months we have seen them try to limit services to "real Indians" only - those of one-quarter blood degree or more. And time and time again the courts have ruled against them, negating blood degree requirements and opening services to members of federally recognized tribes.

You can almost visualize the scene in a cartoon: BIA bureaucrats pacing their offices trying to find a way to put those uppity Indians in their place. "What to do; what to do?" Then a lightbulb goes on over their heads. "Eureka! Limit the membership of the federally recognized tribes! Eventually the existing members will all die off and the problem will be solved once and for all. At long last, there won't be any more Indians!"

Scott Keep of the Solicitor's office wears the "No more Indians" sentiment on his sleeve. If there is one undeniable truth in Indian Country, one truism defended by the courts time and time again, it is that Indian tribes determine their own membership.

Read Mr. Keep's memo and then consider the following facts.

Solicitor's Opinions based on the Indian Reorganization Act: The Citizen Band Potawatomi did not adopt its constitution under the Indian Reorganization Act of 1934. The tribe's constitution was adopted in compliance with the Thomas-Rogers Oklahoma Indian Welfare Act of 1936!

Furthermore, a great deal of Keep's interpretation of the IRA has been found faulty and overturned by the Ninth Circuit Court of Appeals in *Zarr v. Barlow*, September, 1986. You might remember the case: it forced the BIA to drop its quarter-blood requirement for education grants.

Circuit Judge Boochever wrote an enlightening opinion in the case and explicitly denounced the BIA's attempts to interpret Indian "eligibility standards."

"We hold that the BIA's continued restrictive application of the one-quarter-degree Indian blood standard is not in accordance with the law," said the judge. What then is the law?

The BIA does have some latitude in administering Congress' will and often does so in a contradictory and ambiguous manner. But, according to the Ninth Circuit, "acts passed for the benefit of Indians must be liberally construed, with doubtful or ambiguous expressions resolved in the Indians' favor" (*Bryan v. Itasca County*).

In 25 USC, 1462, The Indian Financing Act, we find the definition of "Indian" as "any person who is a member of any Indian Tribe . . . which is recognized by the federal government." The court questioned the BIA's interference in determining membership in the *Zarr* case - and reprimanded them, noting "the BIA does not offer any explanation why . . . making distinctions based upon differing degrees of blood quanta among Indians who are members of federally recognized tribes furthers Congress' intent as expressed . . . for the benefit of Indians."

On December 28, 1985, Public Law 99-288 was enacted and, according to the Ninth Circuit, repealed blood degree standards. The remarks accompanying the bill's introduction demonstrate that Congress is concerned "that a one-quarter-degree blood quantum without more is an impermissible racial classification. The bill's sponsor made the following remarks:

"I introduced the bill for various reasons, including the fact that for all BIA services . . . membership in a federally recognized tribe is the sole criteria for eligibility. Second, the Congress has passed at least six major acts since 1918 dealing with education or eligibility for services and in each of those tribal membership is the criteria. It simply makes no sense now to change a practice that has continued for over half a century in a way that will discriminate, by race, against certain children, and to use as justification an old law that has been repealed by implication on at least six occasions."

So, we find that Mr. Keep's declaration that tribes are political and not racial entities is true. But not for the reasons he expresses. If, indeed, tribal membership is the key to recognition, then how does one become a member of a tribe. Since Mr. Keep chooses to quote out of context excerpts from Felix Cohen's Handbook of Federal Indian Law, let's look at what Cohen really says about membership requirements.

Handbook of Federal Indian Law, Felix Cohen (Michie Co.; Charlottesville, Va.)

"A leading example (of membership determination) is contained in the IRA: 'The term Indian' as used in this Act shall include all persons of Indian descent who are members of any recognized tribe now under federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934 residing within the present boundaries of any Indian reservation . . ."

The Citizen Band is not even an IRA tribe, but they are being denied the

*Continued, next page*

## BIA (continued)

membership, the tribe has some assurance that the child is maintaining tribal relations through his parents. Similarly, the requirement of a blood degree is not a racial classification but rather objective evidence of maintaining the most intimate sort of relations with other tribal members. Children cannot maintain a particular blood degree unless the parents continue to inter-marry with other tribal members.

Thus in his definitive treatise, after reviewing a tribe's power to determine its own membership, Felix Cohen stated:

The power of an Indian tribe to determine questions of its own membership derives from the character of an Indian tribe as a distinct political entity.

F. Cohen, *Handbook of Federal Indian Law*, 133 (1942).

A number of years of experience with tribes and their power over membership did not change the Department's basic view. Restating the Solicitor's earlier opinion verbatim, Cohen confirmed that the Department still was of the view that:

It is of course recognized throughout the cases that tribal membership is a bilateral relation, depending for its existence not only upon the action of the tribe but also upon the action of the individual concerned.

*Id.* at 135.

Moreover, Cohen observed:

The general trend of the tribal enactments on membership is away from the older notion that rights of tribal membership run with Indian blood, no matter how dilute the stream. Instead it is recognized that membership in a tribe is a political relation rather than a racial attribute.

*Id.* at 136.

The view of tribal membership as essentially a political relationship found in Cohen's treatise has been confirmed in recent years by a number of Supreme Court decisions. In 1974 the Supreme Court considered a challenge to the Indian preference statutes on grounds that the preferences constituted invidious racial discrimination in violation of the Due Process Clause of the Fifth Amendment of the United States Constitution. In rejecting the challenge and upholding the constitutionality of the special statutes, the Court concluded:

this preference does not constitute "racial discrimination".. Indeed, it is not even a "racial" preference.

*Morton v. Mancari*, 417 U.S. 535, 553 (1974)

In a footnote, the Court explained further:

The preference is not directed towards a "racial" group consisting of "Indians"; instead, it applies only to members of "federally recognized" tribes. This operates to exclude many individuals who are racially to be classified as "Indians." In this sense, the preference is political rather than racial in nature.

*Id.* at n.24.

Two years after the *Mancari* decision the Court had to decide whether the state courts of Montana had jurisdiction over a proceeding to adopt the child of tribal members initiated by other members of the Northern Cheyenne Tribe residing on the reservation. The tribal court had given temporary custody of the child to the couple seeking the adoption but had retained jurisdiction. Since the tribal court asserted continuing jurisdiction, the state court sought the views of the tribal appellate court on the jurisdictional issue. The state court then dismissed the case for lack of jurisdiction. The couple seeking to adopt the child argued that the state court decisions dismissing their case was denying them access to the Montana courts and constituted racial discrimination. The Supreme Court rejected the claim of racial discrimination and emphasized that the tribal court's exclusive jurisdiction and the resulting lack of jurisdiction in the state courts did not derive from the plaintiff's race. See *Fisher v. District Court*, 424 U.S. 382 (1976)

A year after *Fisher*, the Court heard another challenge to the constitutionality of the special statutes relating to Indians. Two enrolled members of the Coeur d'Alene Tribe were tried and convicted of first-degree murder under the felony-murder provisions of a federal statute made applicable to enrolled Indians by what is commonly referred to as the Major Crimes Act, 18 U.S.C. § 1153.<sup>2</sup> The defendants argued that the statutes were racially discriminatory since a non-Indian charged with precisely the same acts would have been prosecuted under Idaho law. Idaho does not have the felony-murder rule so a prosecutor has to establish additional elements in order to obtain a conviction of first-degree murder. The Ninth Circuit agreed that the disparity between the law applicable to Indian and non-Indian criminal defendants violated the equal protection requirements implicit in the Due Process Clause of the Fifth Amendment. A unanimous Supreme Court reversed relying heavily on *Mancari* and *Fisher*. The Court stated in part:

The decisions of this Court leave no doubt that federal legislation with respect to Indian tribes, although relating to Indians as such, is classifications.

But the principles reaffirmed in *Mancari* and *Fisher* point more broadly

*Continued, page 12*

## Tribal members (continued)

basic right to decide whether or not to recognize their own descendants!

In *Waldron v. United States* (1905) a five-sixteenth Sioux woman was refused recognition as an Indian by the Interior Department because her father was a white man. The court ruled in her favor, saying "according to the usages and customs of the tribes, the children of a white man married to an Indian woman take the race or nationality of the mother."

In other words, the tribes determine their own membership. The Potawatomi people decided by referendum in 1987 to call a secretarial election to determine whether they would recognize their descendants - something they historically had done and were forced to stop doing in order to settle their claims against the government. When the government settled its land claims with the Potawatomi they demanded an inclusive roll so they would know who to pay what. That's how eligibility requirements were inflicted on our tribe. But there aren't going to be any more claims against the government in the foreseeable future and now we're paying the piper again - by disinheriting our children.

Let's turn to Cohen again for a discussion on tribes as "political" entities.

"... any continuing (tribal) organization, however informal, would deny the abandonment of tribal existence. Although tribal self-government had broke down in many tribes by the 1930's, Congress nevertheless continued to deal with those tribes politically. Similarly, in spite of earlier statements to the contrary, recent decisions have found that a high degree of assimilation with the general non-Indian population does not amount to an abandonment of tribal status."

The Potawatomi Nation is an older organized government than that of the United States. Although Mr. Keep's arguments might apply to a conglomerate of people seeking federal recognition in 1988, they most certainly do not apply to the Citizen Band Potawatomi Tribe.

It's quite simply a BIA exercise in authority - the very authority Congress is seriously considering taking away from them.

Low-level federal government attempts to negate sovereign governmental authority simply cannot be tolerated if the tribe as a political and cultural entity is to survive. All tribal members are urged to protest the Keep opinion to Senator Daniel Inouye, Senate Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510 and Hazel Elbert, Deputy to Ross Swimmer, BIA, MS-4614, 18th and C Street NW, Washington, D.C. 20245, And while you're at it, why not carbon-copy your congressman and the HowNiKan?

## Getting involved

Tribal members interested in protesting the Scott Keep opinion on the Citizen Potawatomi Tribe's ability to determine its own membership are urged to protest the action by either drafting their own letter or mailing the following form letter. Protests should be filed with the Senate Select Committee on Indian Affairs, US Senate, Washington, D.C. 20510; the BIA, Department of Interior, 18th and C Street NW, Washington, D.C. 20245; your congressional delegation and the Oklahoma delegation representing the Citizen Band - Sen. David Boren, 440 Russell Senate Office Bldg., Washington, D.C. 20510; Sen. Don Nickles, 6327 Dirksen Senate Office Bldg., Washington, D.C. 20510 and Rep. Wes Watkins, 2440 Rayburn Bldg., Washington, D.C. 20515.

As a citizen of the United States of America as well as the Citizen Band Potawatomi Tribe of Indians, I respectfully request your intervention on my behalf and that of my descendants.

The Citizen Band Potawatomi Tribe wishes to have the Secretary of Interior for Indian Affairs call a secretarial election on a proposed amendment to the Tribal Constitution. The proposed amendment would allow tribal enrollment of individuals descended from a Citizen Band allottee.

Scott Keep of the Solicitor's Office, Branch of Tribal Government, Department of Interior, has issued an opinion that the Secretary is not required to call an election requested by the Potawatomi people - based on his interpretation of a 1934 Solicitor's Opinion.

It is my understanding that Congress and the courts have determined that tribes themselves establish their own requirements for membership. (*Zarr v. Barlow, et. al.* No 85-2170 (9th Cir., Sept. 30, 1986; *Kansas Indians*, 72 US, 5 Wall, 1867; *US v. Sandoval*, 1913; Public Law 99-228; 25 CFR, 27.1(i) 1986; 1974 Indian Financing Act; *Bryan v. Itasca County*, 426 US at 392; *Wilson v. Watt* 703 F.2d. 395, 402). Therefore, the BIA's intervention in the internal activities of a sovereign Indian nation seems a denigration of Congress' intent in signing government-to-government treaties and agreements with the tribes.

I would appreciate your supportiveness in defending the rights of the Citizen Band Potawatomi Indian Tribe and enforcement of United States Congressional promises to another sovereign government - that of my tribe.

Your attention to this matter is greatly appreciated,

## In your opinion...

### BIA protest

The following letter to Assistant Secretary Swimmer regarding the tribe's desire to control its own membership criteria was given to the HowNiKan for publication.)

Dear Sir:

The Citizen Band of Potawatomi, a recognized Indian Tribe, has apparently run afoul of the bureaucracy. This is not something new, rather it has been going on for about two hundred years. It appeared that our federal government wanted to correct some of the injustices it has visited upon our Native Americans, when it recognized the sovereign status of the tribes. This is obviously the intent of our elected representatives, but now is being thwarted by some agency person (Scott Keep, assistant solicitor, Branch of Tribal Government and Alaska) who probably does not understand or care what the problem is.

The Citizen Potawatomi elected by their own actions to become a part of this great nation as citizens with the responsibilities that attach. This was done over one-hundred years ago. At the same time it was important to them that they keep their identity and culture. By pressures visited upon them, their culture and identity as Native Americans was nearly lost. Through the efforts of a few some of the identity was saved. During the last few years there has been a strong resurgence of the people to recapture their culture and they are proud to be identified as Potawatomi. It should be remembered that they as a people were instrumental in the discovery, growth, and civilization of the old Northwest territory. They treated peacefully to leave their home lands and move to a strange land. They did their part, did our country do its part?

Today, this culture and identity is in danger of becoming extinct. Because these people took part in the development of this great land, they also became assimilated to a great extent with their neighbors. Thus, as the generations pass the tribe is becoming older and less Indian by bloodlines. Does the degree of blood descendancy really have anything to do with a persons' inward thoughts and feelings. I think not. I think and feel that I am a Scot, yet the blood degree has greatly diminished over several hundred years. My wife is a descendant of a chief of the tribe who was one of the signers of several treaties with the government. He, at various times, served as an interpreter and was commended by the Indian Department for his efforts in helping his people during removal. Yet our

grandchildren, his descendants will be denied their heritage unless the tribe is allowed to change the enrollment requirements.

Potawatomi children and the future generations of their offspring have every right to be a part of the United States and also to be a part of the Potawatomi Tribe. If in fact it is the desire of the government to eliminate Indians, then deny them the right to determine for themselves who will be members of the tribe. If you wish for them to have the expressed "self determination" then remove the obstacles in order that they may choose their future for themselves.

Respectfully,  
Harold L. McCreery  
Chickasha, Oklahoma  
cc: Daniel Inouye

### Long Beach Council

Dear Mr. Barrett & Committee;

We enjoyed the Regional Council meeting of the Citizen Band Tribe, Sun. 6th of March in Long Beach, and want to thank you for making it so interesting. Also the luncheon was superb.

This was my daughter Judy Fitzjerrells first time to attend a meeting, she enjoyed it also.

Looking forward to next year's meeting.

Sincerely,  
Geraldine Chayer  
Pomona, Ca.

### Help appreciated

Dear Folks,

I hardly know who to send this letter to, so I guess the address it came from will do: Potawatomi Health Aids.

Anyway just wanted to thank you for the help you gave me, on my sister Juanita's dentures, I have never had to ask for help before, so I really do appreciate your fast reply, and I was lucky to find a good little dentist. She never did have to go back for a check up.

I am sorry she can't thank you herself, she could probably do a better job than I can, but she has no memory at all. Doesn't even know where the money came from.

In February, she lost her Social Security check, and I also had to take care of that for her, but it also came early, so everything is doing better right now.

And again, I thank you from the bottom of my heart.

Name withheld  
Norman, Ok.

(Tribal members needing assistance with health aids and prosthetics are urged to contact the CHR Program at the Potawatomi Tribe: Rt. 5 Box 151, Shawnee, Ok. 74801 or call (405) 275-3121.)

Dear Ms. Barrett:

Please accept my thanks for your recent gift of The Benedictine Foundations of Sacred Heart Mission and St. Gregory's Abbey and College by The Rev. Joseph Murphy, O.S.B. to the Kansas State University Libraries. These materials are being added to the Minorities collections. Gifts such as yours represent a significant contribution to the resources of the Kansas State University Library.

Thank you again for your generous support of our efforts to provide excellent library resources for Kansas State University.

Very truly yours,  
Brice Hobrock  
Dean of Libraries

### Appreciation

HowNiKan,

Please renew my subscription to HowNiKan for two years. Enclosed is a check for \$12.

I find your paper very interesting reading. Please continue the articles on family histories.

Sincerely,  
Vic Johnson  
Bradley, Illinois

### Federal reporting

Dear Potawatomi Tribal Chairman:

My family and I have concerns regarding the reporting of ethnic origins for American Indian data on federally required forms for the Fair Employment and Housing Commission regulations. On the federal ethnicity or race forms the notation for the checking of the American Indian box reads as follows: "American Indian or Alaskan Native, all persons having origins in any of the original peoples of North American and who maintain cultural identification through tribal affiliation or community recognition". On these reporting forms there is no mention of what American Indian blood relationship the individual is. We view this as a deceptive reporting process which permits public employers and public educational agencies to be in compliance under more liberal standards for blood relationship than the benefits and services the individual tribal members are eligible to receive.

These agencies are benefitting by reporting the registered American Indian decedent of blood relationship 1/32nd and 1/64th. But we the American Indian can not receive educational and medical benefits which are in most cases limit to American Indian blood relationship of 1/16th and below. Our family members have experienced this fine line discrimination numerous times.

We feel this becomes a more important issue as there are fewer native American Indians of blood relationship of 1/16 and below. As a Potawatomi Tribal Member I

would appreciate a response to this issue.

Yours truly,  
Linda Gamble

## In my opinion

By Pat Barrett

The filing period for tribal office has ended and before the ballots are in the mail it seems prudent to see what we've got to choose from. Things have been running relatively smoothly the last few years for the tribe and it would be a shame to upset the apple cart at this point in time.

Secretary Bob Davis was unchallenged in his re-election bid. That's lucky for the Potawatomi people. Those of you who have met Bob recognize him as a hard working, compassionate individual, unafraid to take up the fight for what he believes in. He has served on both the tribal scholarship and prosthetics committees and has put in long hours doing secretary-treasurer-type chores. In the last year he's learned the bureaucratic ropes at the state and federal level and is a real working asset for the tribe.

Dick Whitten, one of three candidates for the vice chairmanship, seems to be the most viable and experienced man for the job. He has a broad business background, an extensive education and has kept abreast of tribal affairs over the years despite the fact he has declined active participation before now.

Jim Young of Oklahoma City also brings a business background to his candidacy, but his past estrangement from the tribe could prove to be a serious handicap in a two-year term of office. As we've said before, two years is barely time to figure out what's going on in tribal programs, development and enterprises. Committeemen are just beginning to reach their peak effectiveness level when they're faced with re-election woes.

Candidate Mike Combs is a horse of another color. His Oklahoma extortion conviction by a federal jury marked a black day in state history. In that trial, the government accused Combs of taking money for helping to sidetrack a civil lawsuit brought by the Oklahoma County district attorney's office against a company formerly owned by one Richard Riley. The firm was accused of wholesaling counterfeit drugs and Riley later turned informant for the FBI against Combs. The original indictment against Combs stemmed from an FBI probe of Riley and former Oklahoma County District Judge William Page.

*Continued, next page*



# BIA involvement causes enrollment problems

*(The following story is reprinted from the Arizona Republic series entitled "Fraud in Indian Country." The series, authored by Mark Trahant, Chuck Cook and Mike Masterson, was the catalyst for a special congressional investigation currently underway on Capitol Hill.)*

The credentials of the Munsee-Thames River Band Delaware Indians seemed impressive, indeed; when it applied to the Bureau of Indian Affairs for federal recognition of Indian status.

Chief William Lee Little Soldier presented a tribal history dating back hundreds of years and documents saying two state agencies in Colorado already had recognized the tribe.

Federal recognition would mean that the Munsee-Thames River Delawares would be eligible for health, welfare, education and housing benefits accorded most Indians.

The Munsee-Thames River Delawares, Mowas, Cow Creek Lower Umpquas, Gay Head Wampanoags and Pascua Yaquis are among 118 tribes, sects or groups that over the past decade have sought to earn federal recognition and rights to federal programs. But despite the tribe's impressive credentials, BIA investigators found the Munsee-Thames Delawares were little more than a commune of Anglo-Saxons, none with identifiable Indian blood. The tribal leader who called himself Little Soldier was a blond non-Indian named Clyde Richard Bungard, who had convinced several women to bear his children by telling them they were helping him preserve a vanishing Indian tribe, investigators found.

"Bungard, fully bedecked in Indian regalia, also made the pow wow circuit," investigators added, but "he clearly was not accepted as an Indian."

In the late 1970s, investigators said, one of the members of this "tribe" was arrested for driving an unregistered vehicle after police stopped it for bearing a hand-painted diplomatic license plate. Bungard, or Little Soldier, also produced his own handmade tribal driver's license.

The "tribe" disbanded in the early 1980s after several tribal members were arrested on marijuana possession charges.

The case of the Munsee-Thames Delawares illustrates the extremes to which some people will go to claim they are members of an Indian tribe.

In the past 10 years, only five of the 118 tribes to apply have won recognition through the BIA. Seven others have received recognition through special congressional action, sometimes

circumventing previous BIA denials. One other earned recognition through a federal court decision.

For the BIA to recognize them, a tribe must be certified by an anthropologist and have a long-standing, continuous relationship with the federal government. A record 103 tribes today seek formal recognition at a time when the BIA, under Director Ross Swimmer, is taking a tough stance on certifying new tribes. That stance has drawn fire not only from the applying tribes but from officials within the agency. One BIA department head recently criticized Swimmer for denying recognition to tribe after tribe, noting that when Swimmer was tribal chief of the Cherokees, he expanded that tribe's membership to more than 60,000 from 12,000.

Swimmer's expansion of the Cherokee Tribe, the official added, put more Indians on federal programs than would the enrollment of all tribes seeking recognition.

"I didn't expand the population," Swimmer said.

"The only thing I did that would contribute to that was to keep a campaign pledge in 1975 of adopting a constitution.

"We said everybody who is descended from an enrolled Cherokee is eligible for membership in the Cherokee Nation." The decision on recognition usually comes from the BIA's branch of acknowledgement and research. John Shepard, who runs that office, said it deals not only with recognition of tribes but with questionable expansion of tribal membership.

"Some of the groups we have turned down were clearly recruiting members," he said. "there has been, from our standpoint, a membership-expansion problem." One tribe he singled out as having an unexplained expansion is the Pascua Yaqui Tribe, located near Tucson.

Shepard contended that tribe has expanded its membership more than tenfold since it won recognition in 1978.

The Pascua Yaquis currently are embroiled in political turmoil that in July resulted in the BIA's withdrawing recognition of the tribe as a funding entity and more recently threatening to take over management of the tribe altogether.

"Some groups are expanding ten or twentyfold," Shepard said. "We can't believe we missed that many."

He added that recognition is "extremely important" to prospective tribes because of the federal programs available to Indians. Gallasneed Weaver, vice chairman

of the Alabama Indian Affairs Commission and leader of the Mowa Band of Choctaws, leaves no doubt that federal Indian programs are the main reason that his group is asking Congress to recognize it as a tribe. Although the tribe's name Mowa, sounds Indian, it is not. It is a word made up of the first two letters of Mobile and Washington counties in Alabama, where most

## The key points

1. Many groups would like to be officially recognized as an Indian tribe to obtain federal health and social benefits.
2. In the past decade, 118 groups have applied to the Bureau of Indian Affairs for tribal status. Only five have met the strenuous requirements.
3. Seven groups rejected for tribal status by the BIA in the past decade bypassed regulations by having their congressmen pass bills that made them tribes.

of the prospective tribe is located. "We're seeking federal recognition to be able to get help for our children for educational purposes," Weaver said. "But one of our goals is to be free from the federal government.

"We're looking for technical assistance, not to become a parasite on the federal government. If you give a person a fish, he will survive for a day. If you teach him to fish, he'll survive for life." Weaver said his fragmented tribe is made up of people who live primarily in Mobile and Washington counties, hence "Mowa." Alabama formally recognized the 3,000 to 5,000 Mowas in 1979, but so far, the tribe has failed to earn federal recognition.

Its attempts to gain recognition through Congress have drawn opposition from other Indians in the area, including the Choctaws and the Poarch Band of Creeks. Another band fighting for recognition is the Cow Creek Umpquas of Oregon.

After the BIA refused to recognize it, the tribe turned to Congress and won recognition that way in 1982. Since then, it has been in a continuing battle with BIA officials, who claim the tribe has no defined leadership or member rolls. Earlier this year, the BIA terminated recognition of the tribe, and tribal officials claim that move was illegal and was done because the Cow Creek Umpquas would not allow federal officials to define their tribal membership. Sue Shaffer, tribal chairwoman for the Cow Creek Band of Lower Umpquas, said that her tribe has a roll of 645 members but that the BIA will not accept it.

"The BIA has gone so far as to try

to tell people who the members of their tribes are. They terminated us because we are not a bunch of sheep they can manipulate." She said the Cow Creek Umpquas are trying to get a bill through Congress for the second time. "They (the BIA) have flouted the will of Congress," Shaffer said.

## Anderson family reunion scheduled

All descendants of John and Elizabeth (Hardin) Anderson, Antoine and Mary (Anderson) Bourbonnais, Pete and Julia (Hardin) Anderson and Charles David and Anna Marie (Mueller) Anderson are invited to attend the largest ever family reunion to be held June 25, 1988 at the Potawatomi Firelodge.

The Firelodge will be open early in the morning and relatives are invited to bring a picnic lunch, see family and friends, share stories, pictures and food. Last year over 120 family members attended!

For more information contact Dorothy (Anderson) Singleton, 212 Brunswick Lane, Mesquite, Texas 75149 or call (214) 288-8724 OR contact Craig Anderson, 4006 W. Rochelle, Irving, Texas 75062 or call (214) 570-7973.

## In my opinion

(from page 6)

Judge Page was convicted after jurors listened to wiretapped conversations between himself and Riley involving payoffs.

Scores of taped conversations between Combs and Riley were considered the most incriminating evidence introduced to the jury in the Combs trial, also.

Combs, however, successfully petitioned for a re-trial outside of Oklahoma. A Kansas judge, commenting on the offensive character of the government's star witness against Combs (Riley), found Combs not guilty.

Thus, because his felony extortion conviction was reversed, it now appears he will not be prohibited from running for tribal office. It's now in the hands of the voters; the Potawatomi people themselves.

# Friend of Potawatomi to be canonized

By Fr. Blaine Burkey,  
O.F.M.CAP.

The recent announcement that Mother Rose Philippine Duchesne (1769-1852) may be canonized by Pope John Paul II in the near future should be the source of special joy for Catholic Native Americans, since she reached what she herself considered the high point of her life while living among the Potawatomi people in southeastern Kansas.

Blessed Philippine's contemporaries may well have disagreed with that assessment, since long before she came to Kansas, she had, at great risk to her own life, ministered to victims of the French Reign of Terror. She had joined St. Madeleine Sophie Barat in the early stages of the founding of the Religious of the Sacred Heart. During the course of her 11 weeks on the ocean in 1818, her ship had met an Argentine pirate vessel. She planted her religious community in the Mississippi Valley, whence it would spread throughout North and South America, Australia and New Zealand.

Finally, like St. Elizabeth Seton, five years her junior, she played a major role in starting the Catholic school system of the United States. Interestingly enough, the same priest who in 1807 suggested to St. Elizabeth that she leave New York to begin a Catholic school for girls in Baltimore, 10 years later arranged for Philippine and four other Sisters to leave Paris and go to St. Louis for the same purpose. (In 1807 Fr. William DuBourg, S.S., was the founding-president of St. Mary's Seminary in Baltimore; but by 1817 he had become Bishop of Louisiana).

Blessed Philippine first met Native Americans on her way up the Mississippi to St. Louis in 1818, and had seen the Illinois and Pawnee camped in the neighborhood of her convent in Florissant. She had also helped the Jesuit novices with the school for Indians which they opened upon their arrival at Florissant in 1823, and for a brief time her Sisters ran a companion school for Indian girls.

This limited contact with Native Americans, however, was practically lost in a very busy schedule of other activities; and only at the remarkable age of 72, was Blessed Philippine able to set out to fulfill the dream she had fostered and often expressed since girlhood: to spend her life announcing the Good News to the native peoples.

In June of 1841, Philippine and three much young Sisters left the St. Louis area headed for Kansas, which was still shown on most maps as "Indian Territory." Their goal was the Jesuit mission to the Potawatomi Indians at Sugar Creek (near present-day Center-

ville in Linn County, Kansas, about 65 miles SW of Kansas City). With \$500 collected by Fr. Pierre DeSmet, the great Jesuit apostle of Kansas, Oregon and the Rockies, the Sisters were planning to establish a school for the Potawatomi girls.

Their reception at Sugar Creek differed from any other they had ever seen. A cavalcade of Indians in festive dress escorted them the last mile, circling round them on plumed horses. Chief Nesfwawke made a formal speech of welcome, and about 700 Potawatomi men and women filed past to shake hands.

The Potawatomi at Sugar Creek had come from northern Indiana; and about half their number, those who lived near the church, were Catholics - many of them baptized by Fr. Stephen Badin, the first priest ordained in the U.S.

While a house was being built for the Sacred Heart religious, they occupied a dwelling belonging to a brave named Manope and were thus forced to live much closer to nature than previously accustomed to. They learned not to mind the gift of scalps as a testimony of affection, the theft of their morning meal by prairie dogs that burrowed silently through the floor, and the complete lack of privacy. The cabin was always full of uninvited guests squatting stolidly but observantly on the floor.

The solid piety of the Potawatomi and their responsiveness made up for all that, and Philippine sincerely wanted to spend the rest of her life with them at Sugar Creek.

But that was not to be. She was simply unable to learn the Potawatomi language with its many six-syllable words and thus could not help teach the girls in the classroom. Her failing health made it impossible for her to do other work.

Though convinced her presence at Sugar Creek was useless, the Blessed wrote, "We have desired the cross and not honor, poverty and not ease, the Will of God and not success."

Still she did at Sugar Creek what she had come for: she preached the Good News to the native people. She spent four hours every morning and four hours every afternoon before the Blessed Sacrament; and this was not lost on the Potawatomi. They venerated her as a living saint, calling her "Quah-kah-ka-num-ad" (Woman-who-prays-always). Often they stole up in their deer-skin moccasins to touch her habit as she knelt in prayer.

The holy woman was at Sugar Creek only a year before she was recalled to eastern Missouri.

"It seems to me that in leaving the natives, I have left my element," she wrote to her sister in France, "and that henceforth, I can do nothing but languish for the heavenly court from which happily, there will be no more departures." To a priest she later wrote, "I live in solitude and am able to employ all my time in going over the past and in preparing for death; but I cannot put away the thought of the Indians . . ."

She lived another decade at St. Charles, near St. Louis, and died there November 18, 1852. She was beatified by Pope Pius XII in 1940, and on Oct. 23, 1987, in the presence of Pope John Paul II, the Vatican's congregation for the causes of saints accepted as authentic another miracle worked through her intercession. All that

remains now is for the Holy Father to give the go ahead for Blessed Philippine's canonization, and for the Native Americans to recognize her as one of their own.

Her feast is currently celebrated as an obligatory memorial on Nov. 17, but only in the archdioceses of St. Louis and Kansas City in Kansas and the diocese of Springfield/Cape Girardeau.

Canonization is scheduled in Rome, July 3, 1988. Do any tribal members have suggestions for tribal involvement in the celebration? Send your thoughts on the matter to the HowNikan.

For more on her life, see Louise Callan's *Philippine Duchesne* (Westminster: Newman 1958) and Marjory Erskine's *Mother Philippine Duchesne* (New York: Longmans Green 1926).

## BIA investigation funded

In February 22 action, the Senate Committee on Rules and Administration authorized \$854,245 in non-recurring funds to cover the expenses of the Special Investigations Committee of the Select Committee on Indian Affairs. The total recurring budget authorized for the Select Committee was \$916,501.

## Tribal motel rated best in world

The Kootenai River Inn, owned and operated by the Kootenai Tribe of Bonners Ferry, Idaho, has been given the highest possible ranking by the international Best Western chain as being the best motel of its approximately 3,000 motels located throughout the world.

Earlier this year, the motel was named one of the best in America. The 48-room motel which opened in December, 1986, also has a restaurant and gift shop. Chief Raymond Abraham, hereditary Chief and economic development planner said the Inn has unified the tribe and provided an option for younger members of the tribe (who want jobs at home). "The opening and success of the Inn has proved to be a milestone for all members of the tribe and a source of inspiration and pride," he added.

The tribe received a \$247,000 business development grant and a \$1.6 million loan guarantee from the BIA. These funds were matched with other federal grants and equity from the joint venture partners, Jerry Jaeger and Dwayne Hagadone of Coeur d'Alene, Idaho.

## Pacific Chief Meats launches April operations

Goldendale, WA - Pacific Chief Meats Inc., formed to provide meat, poultry and fish products for the federal procurement system, is slated to launch full operations April 1. They have begun modification of the plant facility of the former Goldendale Ranch Meat Co., purchased in Dec. The opening of PCM will affect construction trades, the labor force and cattle raising on both sides of the Columbia River. The Yakima Indian Nation and the City of Goldendale will share in the creation of approximately 30 new jobs.

PCM is a Native American owned and controlled corporation. The corporation will target a market not previously identified in the area.

PCM was formed in 1986 for the purpose of participating in the set-aside program of the Small Business Administration (SBA) for minority businesses, creation of employment opportunities for Native Americans on and near the Yakima Indian Reservation, and creation of a local market for range and utility grade cattle.

PCM will be able to bid for federal meat procurement contracts within the federal SBA "set-aside" program. The Department of Defense, the Indian Health Service and the BIA have explicit "Indian Procurement" provisions in their appropriations language which will allow Pacific Chief Meats a clear opportunity to negotiate, rather than to bid competitively, for these prime government contracts.



# Responding to the anti-treaty forces

(The following article, entitled *Responding to S/SPAWN*, is reprinted from the *Olympia, Washington Northwest Indian Fisheries Commission News*, Vol XIV, No. 1. It is reprinted here to stress the strength of the anti-treaty network and to illustrate how Indian people are fighting back.)

Speaking at Lindberg High School of Tacoma recently, NWIFC Chairman Billy Frank told students about the contribution made by the Indian people in the formation of the U.S. Constitution, as well as the significance of the document to contemporary Indian/non-Indian relations.

He spoke of the Great Law of Peace, the document of the Iroquois Confederacy which preceded the U.S. Constitution and provided many of the principles used in that document. Frank spoke also about Constitutionally-protected treaty rights of the tribes that have been attacked by individuals and states with an eye on the resources retained by the tribes in the treaties. He and fellow panelist Tony Floor of the State Department of Fisheries spoke of recent strides made in the restoration and protection of the salmon and its habitat due to cooperative efforts. Their comments had to be kept very brief because another panel member, Mr. George Garland, required most of the panel's prescribed time period to make his statements.

Mr. Garland, president of S/SPAWN, an anti-Indian organization based in Washington State, told the students how the "special rights of the Indian minority" jeopardize opportunities for all other citizens. Mr. Garland read over an Indian treaty and item-by-item explained how his organization takes issue with the century old agreements. Pointing out that Indians became citizens of the United States in 1924, Mr. Garland said this invalidated the treaties. He told the students that Indians do not pay taxes and suggested that this should invalidate Indian fishing rights. He carefully explained that neither he, nor S/SPAWN are racist, but that they support the overturn of the Boldt decision for the Indians' "own good." (U.S. vs. Washington, Federal District Court, 1974, ruled that the State of Washington is required to abide by the terms of the treaties which gained it most of its territory.)

Because Mr. Garland did require most of the panel's allotted time period to make his comments, and students in the audience were therefore unable to ask many questions, NWIFC NEWS asked Bill Frank to respond to some of the questions and com-

ments presented by Mr. Garland. Copies of these questions and answers are being sent to the high school, and to Mr. Garland.

NEWS: Do treaty Indians have special rights?

Frank: Most people have heard that Indians have special rights. What many do not get to hear is that the treaty right is a property right. If non-Indian people can own property and resources in this state today because of grants made to the non-Indian government in the treaties, shouldn't it follow that treaty Indians have the same right? Those non-Indians who hold such property have the right to pass it on to their descendants. Shouldn't Indians have the same right? The Indians who signed the treaties did it to protect the fishing rights for future generations. The treaties said the right would exist

honor bestowed on the Indian people by Congress in recognition of many sacrifices made for this land in foreign wars. The Act clearly said it was not to diminish rights held by Indians.

NEWS: He says Indians don't pay taxes.

Frank: His saying it does not make it so. Indians pay both Indian and non-Indian taxes. Income from treaty fishing is exempt from federal income tax because the Indian share is a sovereign resource. What sense would it make for Indians to pay tax to the federal government on fish they never gave up to it? Taxing treaty fishing income would be the same thing as taxing Germany or France. It is important for people to know that most fish taxes charged by the tribes are

good." They are out for their own good, no matter what it costs the Indian.

NEWS: In recent years, there has been a lot of progress in fishery management because of new levels of Indian/non-Indian cooperation. Do you have any hope remaining that people like Mr. Garland will ever see the light?

Frank: I never give up hope on anyone. Even the most stubborn of the "Indian bashers" may open their minds enough some day long enough to see how much co-management has accomplished. The state and the tribes were once bitter enemies, and now we have joint management plans on every fishery. We are working together to protect habitat, operate hatcheries, conduct international negotiations and take full advantage of new technology. We are going to continue to have problems. But we have proved beyond any reasonable doubt that cooperation is far more sensible than confrontation.

## Scholarship information

### Psychology research

Funded by the National Institute for Mental Health, \$4,500 for students with a commitment to psychology research related to minority issues. The awards support their graduate study leading toward a Ph.D. Contact: Phelps-Stokes Fund, 1029 Vermont Avenue N.W., Washington, D.C. 20005.

### VanPelt scholarships

Financial aid awards are made to Native American students for undergraduate study leading to careers in medicine, law or other professions. Priority is given to those who will use their training to help the advancement of the American Indian population. Contact: Adolph Van Pelt Scholarship, c/o Olea Patterson, Fargo Lane, Irvington, N. Y. 10533

### Scholarships, loans

The American Indian Scholarship Fund Association provides financial aid in the form of scholarships and loans. Write for information: American Indian Scholarship Fund Association, 1508 Crossroads of the World, Los Angeles, CA 90020

### For students

The American Indian Mission offers student scholarships. Send for information: American Indian Mission, Rapid City, S.D. 57701

## Indian Citizenship Act of 1924

Following is an exact reprint of the Indian Citizenship Act of 1924, the Congressional Act which made Indians citizens of the United States.

Specific Proviso. Tribal rights not affected.

Approved, June 2, 1924. Reference:

Federal statutes of the United States, 68th Congress, Session 1, 1924.

CHAP. 233 - An Act to authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

Be it enacted by the Senate and House of Representatives of the

United States of America in Congress assembled, that all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided, that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

This Act was passed by Congress as an honor to American Indians, primarily because they have fought for this country in every foreign war. U.S. citizenship was granted to Indians with the specific provision that their rights would not be affected.

as long as the rivers run. The same man who says the treaties are 100 years old, and should be invalid, also says that the United States Constitution, which is 200 years old, is valid. He interprets the Constitution to say that everyone is equal and must have equal opportunity, and therefore a minority of the population should not hold right to half the fish. But, the Constitution says treaties are the supreme law of the land and it protects both the personal and property rights of all citizens, including Indians.

NEWS: Mr. Garland says Indians were made citizens in 1924, and so the treaties made between them and the federal government should therefore be invalid. What do you say?

Frank: It is true that the Indian Citizenship Act of 1924 made Indians citizens of the United States. But the act was not our idea. We never agreed to relinquish any property rights because of it. And that was not the intention of Congress, either. It was an

reinvested into the resource, more directly than federal or state taxes.

NEWS: Are people who advocate over-turning the treaties racists, or are they just trying to do it for the Indians' "own good?"

Frank: Most of them don't call themselves racists. But they would deny Indians their rights on racial grounds. If someone were to question their right to own their homes, they would talk about their contract and they would talk about how long they and their ancestors have lived there. But they do not understand that the treaties are contracts between the tribes and the federal government and they don't seem to realize that Indian ancestry runs deeper in this land than all theirs combined. It is nothing new for such people to preach about human rights out of one side of their mouths as they try to steal from Indians out of the other. Is that racism? I suppose that is a question everyone must answer for themselves. One thing I know, these people are not doing anything for the "Indians' own

# Scrapbook

# POTAWATOMI PRIMER

Alligator - Ko Kot Ne  
 Angeline - Ajnik  
 Angle - A She Ni  
 Animals - Mi Tte Be Yak  
 Antelope - Wab Ti  
 Ape - Ktte Sa Ko  
 Apple - Mshi Men  
 Apples - Mshim Nak  
 Ax or Axe - Bkam Sa Ken

Baby - Be No Tike  
 Bacon - We Sa Wak Sot Ko Kash  
 Bald Eagle - Beshk Kno  
 Balloon - Besh Qet  
 Barber Shop - Kashk O We Wka Mak  
 Barn - Nek To Sha O Ka Mak  
 Bat - Mi Shak Nek We  
 Beans - Ko Tte Sak  
 Bear - Mko  
 Beaver - Mak  
 Beef - Bshe Ke  
 Beneath-the-earth lady - Namkengokwe  
 Big Dish - Wna Ken  
 Big Hill - Ktte Qe Ta Ke  
 Big Rain - Ktte Kmo Wen  
 Bird - Bne Shi  
 Blackberries - Mke Te Me Nak  
 Blanket - Wa Bo Yan  
 Blueberries - Mi Nen  
 Bone - O Ken  
 Boy - Ki Ka Ba  
 Bread - Bqesh Ken  
 Brother - Nto We Ma  
 Brother of female - Nte We Ma  
 Brother of male - Ni Ka Ne  
 Bull - Kshi Wi  
 Butterfly - Me Me Ke  
 Buzzard - Wi Ne Ke

Cabbage - E Sho Bak  
 Calf - Bshe Kis  
 Cat - Ka Sho  
 Caterpillar - Wem Kwo Ya Ne  
 Cattle - Bshak Wok  
 Charlotte - Shenot  
 Cherries - Ses Wem Nen  
 Chicken - Bka A Qa  
 Chicken House - Bka Qa O Ka Mak  
 Chickens - Bka A Qa Yak  
 Chippewa - Wjebwe  
 Church - Nam E O Ka Mak  
 Civet Cat - Ta Ta Kos  
 Cloud - Ne Kowan Kok  
 Comb - Nas Qe Wen  
 Come Here - Shot Te Byan  
 Corn - Ntam Nak  
 Corner - E Wi Qe Yak  
 Costume (Indian Regalia) - Mi shat So Wen  
 Cow - Bshe Ke  
 Coyote - Na Nin We  
 Cranberries - Bok Me Ne Sen  
 Crane - Tte Ttak  
 Cricket - Ttik Shot Mo Si  
 Crow - Ka Kak Shi  
 Crying - Mo Wak  
 Cucumber - Ko Ko Be

Dance - Nim E Ti  
 Dancing - Nim E Ti Wak  
 Deer - Sak Si  
 Denise - Tenes  
 Did you hear? - Nki No Ta Ke Ne  
 Doctor - Mshka Klu Ne Ne

Dog - Na Mash  
 Doll House - Ni Tta Ko Wik Wam  
 Door - Shga Tem  
 Dove - Mi Mis  
 Draw - Msen Bye Ke  
 Dresser - Thatt Ken  
 Diver of - Wen Qen Ket  
 Duck - Shi Shi Be

Eagle - Kno  
 Eat - Wi Sen  
 Eat (Plural) - Wi Sen  
 Eat (Singular) - Wis Nen  
 Egg - Waw  
 Eggs - Wa Wen  
 Elephant - We Tab A Ke  
 Elizabeth - Nzebet  
 Elk - Mshe We  
 Empty - Bek Shak Sen

Farm House - Ket Ke O Ka Mak  
 Farmer - Kte Kew Ne Ne  
 Father - Nte Te  
 Feather - Milk Wen  
 Fence - Wa Ka E Ken  
 Field (Crop) - Ktte Kte Kan  
 Flight - Mi Ka Ti  
 File (Tool) - Bott Ken  
 Fish - Ki Kos  
 Flag - Ko We Wen  
 Fly - O Tta  
 Fork - Btak Tte Ken  
 Fox - Wak She  
 Fried Bread - Sas Ko Qe Tek Bqesh Ken  
 Friend - Ni Kan  
 Frog - Mak Tta Ko

Geese - Bes Ke Si Yak  
 Get away from her - Ko Kan Sho Te  
 Girl - Kik Ya Ko  
 Coat - Mo To  
 Cone Fishing - Ba Kte Mott Ke  
 Goose - Bes Ke Si  
 Gooseberries - Besk Me Nak  
 Grandfather - Nme She Mis  
 Grandmother - Nok Mis  
 Grapes - Setw Nwen  
 Grass - Mish Kax  
 Grizzly Bear - Ke Kan Ke Shi

Hammer - Bkett Kas  
 Hay - Mish Qen  
 He or She came here - Ki Bye Wak  
 He or She is getting ready - Wshen Wi Wak  
 He or She is talking - Ka Kito  
 He or She is working - Milk Ttye Wi Wak  
 He or She's short - Tiko Se Ye  
 He or She's watching - Ko Wa Be  
 Headband - Ya Set Qeb So Wen  
 Heart - O Te  
 Helper - Na Shak Ma Ket  
 Horse - Nek To Sha  
 Hospital - Yak No Keo Ka Mak  
 Hotel - Bye O Ka Mak  
 Hound Dog - Ba Ba Ki  
 House that runs - Ab-Mo Toot Wik-Quam  
 House that walks - Ab-Mo Sat Wik-Quam  
 Humming Bird - Na No Kas  
 Hungry - Bke Te  
 Hurry Up - Kye Nab or Yab Tu Yen

I saw him - Nki Wab Ma  
 I'll be coming here - Nwi Bme Bya

I'll be seeing you all again - Ba Ma Mi Ne Ke Wab Me Nam  
 I'm glad - Ne Tti Wen No  
 I'm going to write - Nwi Nab Ye Ke  
 Indian - Nish Na Be  
 Iron (steel) - Bi Wa Bok  
 Iroquois - Nadwe  
 It's a nice day - Mno glzhget  
 It's cloudy - Ngwankot  
 It's cold weather - Csen yamget  
 It's full - Moshk Ne  
 It's hot weather - Gzhatemget  
 It's raining - Gmeyamget  
 It's really windy - Cche noden  
 It's snowing - Bo Ni Me Ket or Bo Nimget  
 It's warm (material things) - Bse Te  
 It's windy - Noden

Jean Baptiste - Shabdis  
 Jim - Njim  
 Joe - Njo  
 John - Njan  
 Josie - Zoze  
 Jump - Qashke - Se O

Knife - Ko Man

Ladder - Kte Ko Si O Wna Tak  
 Lake - Mbes  
 Lamp - Was Ko Nen Tte Ken  
 Lard or Oil - Bme Te  
 Large Cup - Qab A Ken  
 Large Rug - Besh Mon Kott Ken  
 Laugh - Ya Ye No  
 Leader - Na Ka Nit  
 Leaves (Tree) - Tat Ba Qen  
 Letter - Msen A Ken  
 Lightning - Was Mok  
 Lightning Lady - Wawasmokwe  
 Lion - Beshk Mwe  
 Lizard - We Ka Te  
 Louis/Louise - Newi

Margaret - Magnit  
 Mary - Mani  
 Matches - Shko Te Sen  
 Maternal Aunt - Nse Qes  
 Maybe - Kne Bett or Qe Tan  
 Meat - Wi Yas  
 Medicine - Meshka Ke  
 Menominee - Menomni  
 Milk - No Nak Ne Ya Bo  
 Mirror - Wa Wab Mo Wen  
 Monkey - Sa Ko  
 Mosquito - Ska Ma  
 Mosquito - Ska Me  
 Mother - Na Na  
 Mouse - Wab Ko Nosh Qes  
 Mule - Ma Mak She  
 My Father - Nge Ye  
 My Mother - Nge Ye  
 My Necklace - Mab Kam Wa Ken  
 My Nephew - Nak Nes  
 My Shoestring - Ntos Tab

Necklace - Nab Ko Wa Ken  
 Needle - Shab Ne Ken  
 Niece of Female - Thosh Mes  
 Niece of Male - Kshe Mes  
 No - Tto  
 North Lady - Clwednokwe  
 Nurse - Mshka Klu Qe

Ottawa - Wdawa

Otter - Ket To  
 Outside - Sa Kett  
 Oyster - A Be Si

Pail or Bucket - Ka Kos  
 Paint - Sho E Ken  
 Paternal Aunt - No She  
 Peanuts - Bka New Sen  
 Pear - Bok To  
 Pepper - Was Kak  
 Picture - Mse Nak Se Ken  
 Play - Tti Ka So  
 Plum - Bok Ma  
 Policeman - Mshen Kye Ne N  
 Pond - Mbe Ses  
 Pop - Wshk Ba Bo  
 Porch Steps - E Tte Qe Ta Sih  
 Port - Ko Kosh  
 Potato - Ben  
 Potatoes - Ben Yek  
 Potawatomi - Bodewadmi  
 Prairie Lady - Mshkadekwe  
 Purse - Shon Ya Shka Mot

Rabbit - Ms Iwe  
 Raccoon - As Ben  
 Radio - Notak Tte Ken  
 Rain - Kmo Wen  
 Raspberries - Msko Me Nak  
 Rat - Wab Ko Nosh Qe  
 Razor - Kashk O Wen  
 Read - Wa Witt Ke  
 Rest - Nwash Mo  
 Rice - Mno Men  
 Ride - Bmab So  
 Ring Finger - Tab Ne Tilo Wei  
 River - Se Be  
 Road - Myew  
 Rock - Sen  
 Roof - Qet Bak  
 Rope - Tte Se Bob  
 Rug (small) - Bes Tek Mi Wei  
 Run - Bmab To  
 Runs Fast - Kshe Ke

Safety Pin - Skak A Ken  
 Salt - Sein Ta Ken or Shw Ta  
 Sara - Zeni  
 Saw (Tool) - Kishk Bott Ken  
 Secretary - Wen By Ket  
 Shawl - Mosh We  
 She's pretty - O Wen Se  
 Sheep - Man Ta Nish  
 Sing - Nke Mon  
 Sister - Nit Ka Ko  
 Sister of female - Nit Ka Ko  
 Sister of male - Nte Qem  
 Sit - Tib Tab  
 Sit still - Ta Tok Ma Ben  
 Skunk - She Kak  
 Sled - Bis Ta Byan  
 Sleep - Mban  
 Sleeve - Wne Ses  
 Slow - E Ka Tte  
 Small Cup - Qab A Kas  
 Small Dish - Wna Kas  
 Smoking Pipe - Bo Wa Ken  
 Snow - Kon  
 Soldiers - Shmak Ne Shak  
 Soup - Mbob

## Primer (continued)

Spider - Es Bike  
Spoon - Em Qa Nas  
Squirrel - Sen Ko  
Stand - Nib We  
Star - Ne Kos  
Stockbridge - Wabneki  
Stop - Nka San  
Store - Ta Weo Ka Mak  
Store or yeast bread - Wek Tte Te  
Store Keeper - Ta Wew Ne Ne  
Strawberries - Te Me Nen  
Sugar - Ses Bah Qet  
Sun - Ki Ses  
Suzette - Zozet  
Swim - Bmat Ke  
Swing - We Web So Wen

Tajlk - Kik To  
Tall - Kno Se  
Teacher - Kek No Ma Ket  
Tell him or her - Wit Mow  
Tent - Ba Qi Yan Ka Mak  
Thats all - Iw  
Thimble - Kat A Qas Wen  
Thread - Se Bob  
Tiger - Shih Shee  
Toad - Mam Ke Tti  
Tobacco - Se Ma  
Tooth Brush - Ksi Yab Te Ken  
Tree - Mtak  
Tree Frog - Mem Tti Qe  
Turkey - Bne  
Turtle - Mshi Ke

Ugly - Myan Se  
Umbrella - Keti Ka Qe Wen  
Uncle - Nshi She

Vase - Was Ko Ne To Mot Yes

Walt - Ba Ma or Bwitt Kon  
Walk - Bmo Se  
Wash Basin - E Tte Ksin Ttak  
Water - Mbish  
Water Puddle - Mbish K Kik  
We come here - Nki Bye Men  
Well - Tkab  
Wheel - Tet Be Se  
White Jack Rabbit - Wa Bo So  
White Man - Tte Mok Man  
White Woman - Tte Mok Man Qe  
Winnebago - Winbyego  
Work - Ma Tte Wit  
Worker - Ma Tte Wit  
Wrist Watch - Tba Kls Wa ;Nes  
Write - Wna Bye Ke

Yellow Sky Lady - Wzawglzhgo Kwe  
Yes - EE  
Yes, I heard - EE Nki No Ta Ke  
Your nephew - Kne Knes

Zebra - Beshk Ktak Set Nek To Sha

# Indian Hall of Fame seeking athletes

YOUR HELP IS NEEDED!  
PLEASE SPREAD THE WORD!

The American Indian Athletic Hall of Fame was incorporated in 1972 in the State of Kansas. The purpose, as stated in the Preamble:

"In the belief that the athletic achievements and sportsmanship of many American Indians stand as a tribute to the will and abilities of the athletes involved, and in the belief that these achievements stand also as an inspiration for young Indians seeking to develop rewarding and productive lives, this organization is founded to provide suitable recognition to these athletes and their achievements and to preserve permanent records of their attainments and memorabilia incident thereto for the Nation and Posterity".

Since 1972, 62 persons have been enshrined in the Hall of Fame. In addition to nationally renowned Indian athletes, there was a category of Honorary Members who had contributed much to the cause of Indian athletics; however, this category has since been abolished. The Board of Directors felt that recognition for these persons can be provided by other means and that enshrinement should be limited to deserving Indian athletes.

The Hall of Fame is presently located in Stidham Union on the campus of Haskell Indian Junior College with 62 plaques showing the athletes and describing their achievements. Each person enshrined is awarded a plaque, a ring and a video-taped interview is conducted as well as a video-tape of the enshrinement ceremony for a permanent record.

The qualifications for enshrinement are: (1) Be at least one-fourth degree American Indian or Native Alaskan blood, verified by the Board of Directors, (2) Have made a national impact in a sport

approved by the Board of Directors; and (3) Have merited recognition and distinction, and, who by their exploits, accomplishments and activities in regard to sports and athletic events have brought fame and honor to himself or herself and Indian people.

Although 62 have been enshrined, the Board is aware that there are other Indian athletes deserving of consideration for enshrinement. Any person wishing to make a nomination should

request the nomination form by writing: Mr. Turner a. Cochran, Executive Director and Coordinator, Hall of Fame Executive Office, P.O. Box 1576, Lawrence, KS 66044.

Upon receipt of the request, the nomination form will be mailed promptly with appropriate instructions. All nominations will be given thorough and fair consideration by the Board for enshrinement.

## 'Friends' support treaties

*We seek a world free of war and the threat of war*

*We seek a society with equity and justice for all*

*We seek a community where every person's potential may be fulfilled*

*We seek an earth restored*

The statement of legislative policy approved by the Friends Committee on National Legislation contains a section on the special trust relations of the U.S. government with Native Americans.

"Since coming to this continent, Friends have sought to live a 'kind, just and peaceful life' with Native peoples. It is in this spirit that we encourage Congress to work and walk with American Indians, Alaska Natives, and other peoples with whom the U.S. has a special trust relationship. We believe that ultimate choices and decision-making belong in the hands and hearts of our Indian sisters and brothers; we support as best we can the directions they choose for their lives. All Americans must combat the racism and prejudice underlying the policies that alienate Native Americans in their own homeland. Legislation that sets forth U.S. Indian policy should enable Native communities to direct their own lives, control

their own lands and resources, and govern their own communities. Specifically, it should:

Give respect to the culture and religious beliefs of Native Americans equal to that accorded any other group of Americans. Support Native Americans in their continuing efforts to reverse the trend toward fragmentation of families and communities. Promote the establishment and consolidation of tribal land bases, in order to provide for the needs of Indian communities and for the protection of these lands and resources by the federal government.

Negotiate the restoration of Native lands taken in violation of treaty agreements, or restitution in instances when restoration is clearly impossible.

Support economic development that assures respect for the earth and encourages community participation.

Support the political processes of tribal governments that enable them to solve problems facing their communities in their own way.

Protect tribal sovereignty from erosion by state and local governments.

## Enter the Firelake tournament

Firelake Golf Course, owned and operated by the Citizen Band Potawatomi Tribe, will host three days of special events in conjunction with the 1988 General Council and Pow Wow.

A four-person scramble will begin Friday, June 24, at 10 a.m. Cost is \$10 entry plus \$7 green fee.

For \$45 men and women can enter the 2nd Annual Potawatomi Indian Golf Tournament to be held Saturday and Sunday, June 25 and 26. The fee includes green fee and a free meal. To enter the tournament you must show certificate of degree of Indian blood.

Money orders or cashier's

checks may be sent to Firelake Indian Golf Club, % Firelake Golf Course, Route 5 Box 151, Shawnee, OK 74801. Cash entries only will be accepted on June 25.

Watch for more information in future *HowNiKans*, or call Firelake Golf Course at (405) 275-3121.

Support  
The  
HowNiKan

Mail To:  
Firelake Indian Golf Club  
Firelake Golf Course  
Rt. 5, Box 151  
Shawnee OK 74801

Not Responsible For Accidents,  
Injury or Theft!

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE, ZIP \_\_\_\_\_  
TRIBAL AFFILIATION \_\_\_\_\_  
1ST TEE TIME \_\_\_\_\_ 2ND TEE TIME \_\_\_\_\_

Entry fee of \$45 includes two days of golf, green fees, meal, prizes and more. Scramble fee is additional \$10 plus green fees of \$7. Friday morning, June 24, 1987 - 10 a.m. SHARP! Rental carts available.





Bulk Rate  
U.S. Postage  
**PAID**  
Tecumseh, OK.  
Permit No. 26

Route 5, Box 151, Shawnee, Oklahoma 74801

## Solicitor's opinion (from page 5)

to the conclusion that federal regulation of Indian affairs is not based upon impermissible classifications. Rather, such regulation is rooted in the unique status of Indians as "a separate people" with their own political institutions. Federal regulation of Indian tribes, therefore, is governance of once-sovereign political communities; it is not to be viewed as legislation of a "racial" group consisting of "Indians". [Citation omitted.]

United States v. Antelope, 430 U.S. 641, 645-6 (1977)

Consistent with these decisions, the Department adopted regulations in 1978 to govern the process for determining whether a group of Indian descendants was entitled to be acknowledged as existing as an Indian tribe. The preamble to the final rules states in part:

Although petitioners must be American Indians, groups of descendants will not be acknowledged solely on a racial basis. Maintenance of tribal relations - a political relationship - is indispensable.

See 43 Fed. Reg. 39361 (1978); see also, 43 Fed. Reg. 23743, at 23744 (1978)

As a result, the final acknowledgment regulations, 25 CFR Part 83, require a petitioner to demonstrate that its members are an identifiable group and that it has "maintained tribal political influence over its members" in order to be successful in obtaining acknowledgment as a tribe. See 25 CFR S 83.7(c). This requirement for maintaining political influence over its members is not a new or additional requirement applicable only to groups of Indian descendants seeking acknowledgment. Rather, it is intended as a restatement of a fundamental requirement for tribal existence.

In summary as to the tribe's authority, while it is true that membership in an Indian tribe is for the tribe to decide, that principle is dependent on and subordinate to the more basic principle that membership in an Indian tribe is a bilateral, political relationship. A tribe does not have authority under the guise of determining its own membership to include as members persons who are not maintaining some meaningful sort of political relation-

ship with the tribal government.

As to the Secretary's authority, it has recently been held that the Secretary cannot delay indefinitely authorizing the holding of an election to consider the adoption of a tribal constitution simply because he disagreed with the substantive provisions of the proposed document. See Coyote Valley Band v. United States, 639 F.Supp. 165 (E.D. Cal. 1986). However, the court also interpreted earlier decisions of the Eight Circuit Court of Appeals as holding that "the Secretary's discretionary approval of the amendments to the tribal constitution [of the Minnesota Chippewa Tribe] was not subject to review." Id. at 172. The court went on to explain further in a footnote:

Without actually deciding the issue, this court construes the Eight Circuit's holding regarding nonreviewability to mean that the Secretary's post-election exercise of discretion to approve constitutional amendments is not subject to judicial review.

Id. at 172 n. 7.

Similarly, it has been recognized that the Secretary's discretionary authority to disapprove ordinances is broad. See Moapa Band of Paiute Indians v. Department of the Interior, 747 F.2d 563 (1984). A court's authority to review the Secretary's decision is correspondingly narrow.

In conclusion, the Secretary has broad and possible nonreviewable authority to disapprove or withhold approval of a tribal constitutional amendment. If an amendment to a tribal constitution would change the requirements for membership from those which would evidence some continuing relationship with the tribe or other tribal members to requirements which would evidence only descendancy, the Secretary could in his discretion disapprove it.<sup>3</sup> Descendancy alone evidences only a racial classification. Federal law clearly requires something more.

If you have any questions please don't hesitate to call on me.

Scott Keep

## Record (from page 3)

passed 4-0.

Francis Levier reported the new golf carts for Firelake Golf Course would be delivered within 15 days.

Francis Levier showed a mock-up of the tribal vehicle license plate incorporating the changes requested by the Business Committee. Consensus was to approve the new plate.

Francis Levier reported approval of a \$125,000 ANA grant. Computer purchases authorized by the grant will be competitively "shopped" and bids reviewed by the Business Committee.

John Barrett moved to approve Potawatomi Resolution #88-58 formally removing Toby Kinslow from the office of tribal vice chairman on the grounds of misconduct in office. Kinslow had appealed his removal to the Supreme Court and the Business Committee's removal decision was upheld on the grounds of misconduct. Francis Levier seconded the motion; passed 4-0.

The Business Committee interviewed an applicant for the position of Firelake golf pro. The applicant will be submitting a management proposal to the committee within a few days.

Chairman Barrett turned the meeting over to Secretary Bob Davis at 8:30 and left the meeting for another business appointment.

After establishing an executive session agenda for March 11, 1988 the meeting adjourned at 9 p.m.

# KEEP INFORMED!

Send Address Changes To:

HowNiKan  
Potawatomi Tribe  
Rt. 5, Box 151